

J.P.T.

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

7

Application Number

10/806,492

Filing Date

March 23, 2004

First Named Inventor

Ransom

Art Unit

3637

Examiner Name

Attorney Docket Number

WEC-122-B

ENCLOSURES (Check all that apply)

- | | | |
|---|---|---|
| <input checked="" type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> After Allowance Communication to TC |
| <input checked="" type="checkbox"/> Fee Attached | <input type="checkbox"/> Licensing-related Papers | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences |
| <input type="checkbox"/> Amendment/Reply | <input checked="" type="checkbox"/> Petition | <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Proprietary Information |
| <input checked="" type="checkbox"/> Affidavits/declaration(s) | <input type="checkbox"/> Power of Attorney, Revocation | <input type="checkbox"/> Status Letter |
| <input type="checkbox"/> Extension of Time Request | <input type="checkbox"/> Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | -- Postcard |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | |
| <input type="checkbox"/> Certified Copy of Priority Document(s) | <input type="checkbox"/> CD, Number of CD(s) _____ | |
| <input type="checkbox"/> Reply to Missing Parts/Incomplete Application | <input type="checkbox"/> Landscape Table on CD | |
| <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | | |

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name

YOUNG & BASILE, P.C.

Signature

Printed name

Marshall G. MacFarlane

Date

January 4, 2006

Reg. No.

30,403

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature

Typed or printed name

Marshall G. MacFarlane

Date

January 4, 2006

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PTO/SB/17p (11-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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PETITION FEE
Under 37 CFR 1.17(f), (g) & (h)
TRANSMITTAL

(Fees are subject to annual revision)

Send completed form to: Commissioner for Patents
P.O. Box 1450, Alexandria, VA 22313-1450

Application Number	10/806,492
Filing Date	March 23, 2004
First Named Inventor	Ransom
Art Unit	3637
Examiner Name	
Attorney Docket Number	WEC - 122- B

Enclosed is a petition filed under 37 CFR 1.102(d) that requires a processing fee (37 CFR 1.17(f), (g), or (h)). Payment of \$ 130.00 is enclosed.

This form should be included with the above-mentioned petition and faxed or mailed to the Office using the appropriate Mail Stop (e.g., Mail Stop Petition), if applicable. For transmittal of processing fees under 37 CFR 1.17(i), see form PTO/SB/17i.

Payment of Fees (small entity amounts are NOT available for the petition fees)☒ The Commissioner is hereby authorized to charge the following fees to Deposit Account No. 25-0115:☒ petition fee under 37 CFR 1.17(f), (g) or (h) ☒ any deficiency of fees and credit of any overpayments

Enclose a duplicative copy of this form for fee processing.

☐ Check in the amount of \$ _____ is enclosed.☐ Payment by credit card (Form PTO-2038 or equivalent enclosed). Do not provide credit card information on this form.**Petition Fees under 37 CFR 1.17(f): Fee \$400 Fee Code 1462**

For petitions filed under:

- § 1.36(a) - for revocation of a power of attorney by fewer than all applicants
- § 1.53(e) - to accord a filing date.
- § 1.57(a) - to accord a filing date.
- § 1.182 - for decision on a question not specifically provided for.
- § 1.183 - to suspend the rules.
- § 1.378(e) - for reconsideration of decision on petition refusing to accept delayed payment of maintenance fee in an expired patent.
- § 1.741(b) - to accord a filing date to an application under § 1.740 for extension of a patent term.

Petition Fees under 37 CFR 1.17(g): Fee \$200 Fee Code 1463

For petitions filed under:

- § 1.12 - for access to an assignment record.
- § 1.14 - for access to an application.
- § 1.47 - for filing by other than all the inventors or a person not the inventor.
- § 1.59 - for expungement of information.
- § 1.103(a) - to suspend action in an application.
- § 1.136(b) - for review of a request for extension of time when the provisions of section 1.136(a) are not available.
- § 1.295 - for review of refusal to publish a statutory invention registration.
- § 1.296 - to withdraw a request for publication of a statutory invention registration filed on or after the date the notice of intent to publish issued.
- § 1.377 - for review of decision refusing to accept and record payment of a maintenance fee filed prior to expiration of a patent.
- § 1.550(c) - for patent owner requests for extension of time in *ex parte* reexamination proceedings.
- § 1.956 - for patent owner requests for extension of time in *inter partes* reexamination proceedings.
- § 5.12 - for expedited handling of a foreign filing license.
- § 5.15 - for changing the scope of a license.
- § 5.25 - for retroactive license.

Petition Fees under 37 CFR 1.17(h): Fee \$130 Fee Code 1464

For petitions filed under:

- § 1.19(g) - to request documents in a form other than that provided in this part.
- § 1.84 - for accepting color drawings or photographs.
- § 1.91 - for entry of a model or exhibit.
- § 1.102(d) - to make an application special.
- § 1.138(c) - to expressly abandon an application to avoid publication.
- § 1.313 - to withdraw an application from issue.
- § 1.314 - to defer issuance of a patent.


Signature

Typed or printed name

January 4 2006
Date

30,403

Registration No., if applicable

This collection of information is required by 37 CFR 1.17. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ransom, et al.

Serial No.: 10/806,492

Filed: March 23, 2004

For: **COLLAPSIBLE ENCLOSURE WITH 3-DIMENSIONAL TRIM ELEMENTS**

PETITION TO MAKE SPECIAL UNDER 37 C.F.R. § 1.102(d)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This is a petition to make special the above-identified patent application under 37 C.F.R. § 1.102(d) on grounds of actual infringement. The Petition fee required pursuant to Rule 1.17(h) is enclosed.

As provided for in the Manual of Patent Examining Procedure Section 708.02 II, entitled "Petition to Make Special - INFRINGEMENT," Applicant requests advancement out-of-turn for the application. In support of this petition, Applicant submits the Declaration of the Applicant's attorney alleging:

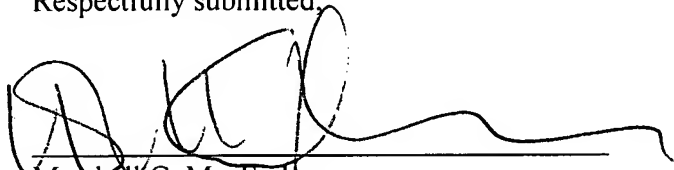
- (A) That there is an infringing device or product on the market;
- (B) That a rigid comparison of the alleged infringing device with the claims of the application has been made, and that, in the opinion of the Applicant's attorney, some of the claims are unquestionably infringed; and
- (C) That the Applicant's attorney has caused to be made a careful and thorough search of the prior art.

01/09/2006 SDENB0B1 00000002 250115 10806492

01 FC:1464 130.00 DA

The references deemed most closely related to the subject matter encompassed by the claims have been made of record in this application in Applicant's Information Disclosure Statement, mailed 14 July 2004, and in Applicant's Supplemental Information Disclosure Statement, mailed 23 December 2005. Accordingly, Applicant requests that this petition to make special be granted and the application undergo accelerated examination.

Respectfully submitted,



Marshall G. MacFarlane
Reg. No. 30,403

DATED: January 4, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Ransom, et al.

Serial No.: 10/806,492

Filed: March 23, 2004

For: **COLLAPSIBLE ENCLOSURE WITH 3-DIMENSIONAL TRIM ELEMENTS**

DECLARATION OF MARSHALL G. MACFARLANE IN SUPPORT OF
PETITION TO MAKE SPECIAL UNDER RULE 102(d)

Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

The undersigned, Marshall G. MacFarlane, declares as follows:

1. I am a member of the firm of Young & Basile, P.C., 3001 West Big Beaver Road, Suite 624, Troy, Michigan 48084-3107, and the attorney for the Applicant in the above-identified patent application. I am a member of the bar of the State of Michigan and a registered patent attorney, Registration No. 30,403. I make this Declaration in support of the Applicant's Petition to Make Special in the above-identified application.
2. The subject matter of the above-identified application relates to portable enclosures, and more particularly to collapsible portable enclosures having a strip of flexible material attached to a side panel of the enclosure, wherein the strip includes a plurality of cutout elements that simulate foliage.

3. To determine the patentability of the claims as submitted in the application, a thorough and careful search was conducted of the United States Patent Office files in Class 135, sub-class 901 and Class 428, sub-class 919. This search was caused to be made by the undersigned.

4. The search uncovered the following pertinent patents:

- 1,139,642 - Cox
- 1,274,645 - Wasylowich
- 2,159,273 - Killinger
- 2,351,142 - Mitchell
- 4,517,230 - Crawford
- 4,931,320 - Leonard
- 5,013,375 - Leonard
- 5,281,451 - Reynolds
- 5,476,561 – Bylund, et al.
- 5,486,385 – Bylund, et al.
- 5,695,835 – Weber, et al.
- 5,762,085 – Punch
- 6,787,212 – Strength, et al.

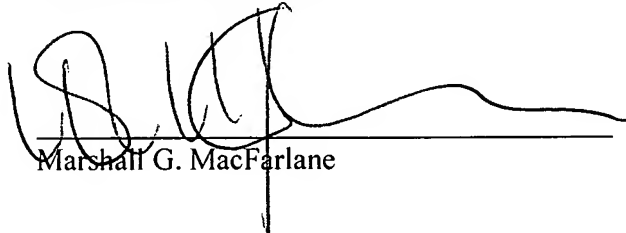
These references have previously been made of record in this application, in Applicant's Supplemental Information Disclosure Statement, mailed 23 December 2005.

5. The references above-cited are, in my estimation, the references most closely related to the claims of the above-referenced application.

6. Based on my personal research, I have determined that there is an infringing product or device actually on the market. Specifically, I have rigidly compared the claims of the above-identified application with products of Eastman Outfitters, of Flushing, Michigan, specifically, the "Venture" and "Magnum" series hunting blinds, and it is my opinion that at least claim 13 of this application is unquestionably infringed by the manufacture, use and sale of said hunting blinds by Eastman Outfitters.

I further declare that all statements made herein of my own knowledge are true and that all statements on information and belief are believed to be true and, further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under 18 USC §1001 and that such false statements may jeopardize the validity of this document and the application to which it relates.

Respectfully Submitted,



Marshall G. MacFarlane

DATED: January 4, 2006